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U.S. Department of State  
CA/OCS/PRI  
Adoption Regulations Docket Room, SA-29  
2201 C Street, N.W.  
Washington, D.C. 20520

December 15, 2003

Thank you for the opportunity to provide comments on the proposed regulations. The following are comments from the Pennsylvania Department of Public Welfare, Office of Children, Youth and Families to the following sections of the proposed rules regarding the Hague Convention on Intercountry Adoption Regulations:

§ 96.13 Activities that do not require accreditation, approval, or supervision.

- Part (a), the home studies and child background studies, is a section that supports best practice. This is good language to incorporate.

§ 96.14 Providing adoption services using supervised providers, exempted providers, public bodies, or public authorities.

- Part (f) is also an excellent section.

§ 96.47 Preparation of home studies in incoming cases.

- The applicability or inapplicability of the Interstate Compact on the Placement of Children (ICPC) is not mentioned in this set of regulations. The ICPC should be addressed in the proposed rules since the ICPC is law in all states and the Compact law supercedes state law. In this section, the significant ICPC requirements are that an agency licensed and based in one state and responsible for placing a foreign

born child in adoptive home in another state, requires ICPC involvement. The ICPC must be invoked between the sending state, which is the agency's base, and the receiving state, the adoptive family's home. Since an accredited agency, temporarily accredited agency or an approved person may physically be located in a different state than the adoptive family, do the regulations intend to apply this ICPC requirement? The same consideration can be applied to §96.53 regarding children emigrating from the United States. Language could be added stating that when an agency is accredited, ICPC does not need to be involved.

§ 96.51 Post-adoption services in incoming cases.

- Pennsylvania's Interstate Offices' experience with foreign adoptions has been that dissolutions that occur within three years after the finalization, are more common than disruptions, this seems to place the child at greater risk. We have noticed a number of unlicensed agencies and individuals on the Internet preying on families of dissolved adoptions. We suggest DHHS review information from other states to determine the existence of these events and consider requiring that accredited agencies and approved persons have a contract with adoptive families that obligates the agency/person to become involved to ensure the child is placed with another family pursuant to the protections afforded through the Convention and to permit state and federal oversight offices to have better data on failed placements. There is language missing on agencies being responsible for the placement of a child after dissolution. Agencies should be involved after finalization an identified period of time. The agency should be looked at as a resource to the family and be responsible in assisting the family by committing to them. The same agency need not provide post adoption services but should assist the family in receiving these services through referrals.
- Part (b) allows agencies the ability to abandon the family by incorporating certain language in the agreement. The agency should be required to stand behind that family by helping them connect with the appropriate services. The current language easily permits agencies to leave families without any resources.
- Part (c) states that the adoptive family provides post adoption reports to the other country. Why is the family reporting this information to the other country? We believe that the agency should be responsible to provide the post

adoption reports. Is the other country requesting this information from the family only?

- Part (f) is an excellent section.

Thank you for the opportunity to provide comments regarding these proposed rules.